



STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
2320 SOUTH DUPONT HIGHWAY  
DOVER, DELAWARE 19901

W. EDWIN KEE, JR.  
SECRETARY

TELEPHONE (302) 698-4500  
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## MEMORANDUM

**TO:** Non-resident Applicants for Pesticide Business License  
**FROM:** David Pyne, Pesticide Compliance Administrator  
**DATE:** January 22, 2009  
**SUBJECT:** **APPOINTMENT AND AGREEMENT FOR SERVICE OF PROCESS**

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The Delaware Pesticide Law, **3 DEL. C.**, Section 1213 provides:

Any nonresident applying for a license under this chapter shall appoint and constitute the Secretary of State of this State his agent for the acceptance of legal process in any civil action against him. Any such process when so served shall be of the same legal force and validity as if served upon such nonresident personally within the State. Such appointment shall be irrevocable and binding on his executor and administrator; provided, however, that any such nonresident who has a duly appointed resident agent upon whom process may be served as provided by law shall not be required to designate the Secretary of State as such agent. The Secretary of State shall be allowed such fees therefore as provided by law for designating resident agents. The Department shall be furnished with a copy of such designation of the Secretary of State or of a resident agent, such copy to be duly certified by the Secretary of State.

Attached is an Appointment and Agreement which nonresidents may complete and forward to the Secretary of State. **A copy of the completed appointment must accompany the Pesticide Business License application.**

The Secretary of State's Office charges a \$10.00 filing fee and a \$2.00 Certification fee under authority of 29 **DEL. C.**, Secs. 2309 and 2315. The Appointment and Agreement must be notarized and sent with a payment of \$12.00 to the following address:

Department of State,  
Division of Corporations  
401 Federal Street, Suite 4  
Dover, DE 19904  
Attn: Service of Process.

# APPOINTMENT AND AGREEMENT

The undersigned, pursuant to **3 DEL C. §** 1213, hereby appoints the Delaware Secretary of State and all successors in office to be the undersigned's attorney upon whom all process, in any action or proceeding against the undersigned, may be served. The undersigned agrees that any process against the undersigned which is served on the Delaware Secretary of State shall be of the same legal force and validity as is and as if served on the undersigned and this Appointment shall continue in force as long as any liability remains outstanding against the undersigned in the State of Delaware. Pursuant to the aforesaid statute, this Appointment and Agreement is being acknowledged before a Notary of Public and shall be filed in the office of the Secretary of State of Delaware.

The address which the Delaware Secretary of State shall use for that purpose of providing notification of receipt of processes in any action or proceeding hereunder is set forth immediately below the undersigned's execution hereof.

Company Name: \_\_\_\_\_

By: \_\_\_\_\_

Company Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_